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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/073,596	05/06/1998	RALPH M. STEINMAN	20164000US5	9977

7590 03/12/2002

ANN-LOUISE KERNER PHD
HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

EWOLDT, GERALD R

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 03/12/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/073,596

Applicant(s)

Steinman

Examiner

G. R. Ewoldt

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/09/01 and 1/03/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 82 and 94-103 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 82 and 94-103 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

1. The location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Dr. Gerald Ewoldt, Art Unit 1644, Technology Center 1600.

2. As set forth in the Advisory Action mailed 8/08/01, the Amendment submitted 9/09/01 was entered. Therefore, Claim 102 in said amendment was entered. The amendment submitted 1/03/02 recited an additional claim numbered 102. Said second Claim 102 has been renumbered as Claim 103, see 37 CFR 1.126.

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 82, 84-86, 96, and 102, drawn to a composition comprising a population of dendritic cell precursors, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

II. Claims 84, 87, 91-92, 97, 99, 101, and 103, drawn to a composition comprising a dendritic cell pulsed with a tumor antigen, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

III. Claims 84, 88, 91-93, 97, 99, 101, and 103, drawn to a composition comprising a dendritic cell pulsed with an immunoglobulin antigen, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

IV. Claims 84, 89-92, 97, 99, 101, and 103, drawn to a composition comprising a dendritic cell pulsed with a viral antigen, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

V. Claims 84, 89, 91-92, 94-95, 97, 99, 101, and 103, drawn to a composition comprising a dendritic cell pulsed with a mycobacterial antigen, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

VI. Claims 84, 91-93, 97, 99, 101, and 103, drawn to a composition comprising a dendritic cell pulsed with an autoantigen, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

VII. Claim 98, drawn to a mixed culture of dendritic cells and T cells, classified in Class 424, subclass 93.71 and Class 435, subclass 372.

VIII. Claim 100, drawn to a dendritic cell modified antigen, classified in Class 424, subclass 93.71 and Class 435, subclass 372.


4. Inventions I - VIII are different products. Said products comprise different components, i.e., dendritic cell precursors, dendritic cells, or a combination of dendritic cells and T cells, or an antigen. Inventions II-VI comprise different kinds of dendritic cells that would process and present antigen in different ways in different MHC contexts. For example, the dendritic cells of Invention IV would be considered Th1 dendritic cells, likely processing and presenting antigen in an MHC Class I context whereas the dendritic cells of Invention V would be considered Th2 dendritic cells, likely processing and presenting antigen in an MHC Class II context. Therefore the inventions are patentably distinct.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

7. Any inquiry concerning this communication from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973.

G.R. Ewoldt, Ph.D.
Patent Examiner
Technology Center 1600
March 8, 2001


Patrick J. Nolan, Ph.D.
Primary Examiner
Technology Center 1600